

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:20-CV-123-D

TIMOTHY D. BEST,

Plaintiff,

v.

BELLEVUE HOSPITAL,  
ELLENVILLE REGIONAL HOSPITAL,  
PRIME CARE MEDICAL, INC., and  
VIDANT MEDICAL CENTER,

Defendants.

**ORDER**

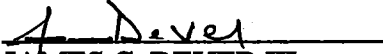
On June 19, 2020, Timothy D. Best (“Best” or “plaintiff”), appearing pro se, filed a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On June 30, 2020, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 5]. On August 18, 2020, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 6], and recommended that the complaint be dismissed for lack of subject-matter jurisdiction [D.E. 6]. Best did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. See Diamond, 416 F.3d at 315. Thus, the court adopts the conclusion in the M&R that the court lacks subject-matter jurisdiction and dismisses the complaint.

In sum, the court GRANTS plaintiff's application to proceed in forma pauperis [D.E. 1], ADOPTS the conclusions in the M&R [D.E. 6], and DISMISSES plaintiff's complaint for lack of subject-matter jurisdiction. Plaintiff must seek relief in state court. The clerk shall close the case.

SO ORDERED. This 19 day of October 2020.

  
JAMES C. DEVER III  
United States District Judge